

**Filed 6/17/03 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2003 ND 93

Marcotte's Builders Supply Co.,

Plaintiff, Appellee
and Cross-Appellant

v.

Tim and Alberta Strobel,

Defendants, Appellants
and Cross-Appellees

No. 20020354

Appeal from the District Court of Sheridan County, South Central Judicial District, the Honorable Robert O. Wefald, Judge.

AFFIRMED.

Per Curiam.

Neil W. Fleming, Fleming & DuBois, P.O. Box 633, Cavalier, N.D. 58220-0633, for plaintiff, appellee, and cross-appellant.

William C. Severin, Severin, Ringsak & Morrow, P.O. Box 2155, Bismarck, N.D. 58502-2155, for defendants, appellants, and cross-appellees.

Marcotte's Builders Supply v. Strobel

No. 20020354

Per Curiam.

[¶1] Tim and Alberta Strobel appealed from a judgment holding them liable to Marcotte's Builders Supply Company for \$15,534 due and owing on a home construction contract, plus interest, costs and disbursements, and dismissing the Strobels' counterclaim against Marcotte's seeking damages for breach of contract and for "failing to provide the goods and services in a workmanlike manner." Marcotte's cross-appealed from the judgment. We conclude the trial court did not err in holding parts of the construction contract were ambiguous. We further conclude the trial court's findings of fact are not clearly erroneous. We affirm the judgment under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Carol Ronning Kapsner